COPY

Office - Supreme Court, U.S.
FILED
SEP 2 1983
ALEXANDER L. STEVAS,
CLERK

No. 82-1712

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

GEORGE SUMNER, Warden,
Petitioner,
v.
ROBERT MATA,
Respondent.

SL 7 PAGE 20

RESPONDENT'S SUPPLEMENTAL BRIEF PURSUANT TO RULE 22.6

QUIN DENVIR
State Public Defender

EZRA HENDON
Deputy State Public Defender

1390 Market Street, Suite 425
San Francisco, California 94102
Telephone: (415) 557-1600

Attorneys for Respondent

No. 82-1712

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

GEORGE SUMNER, Warden, Petitioner,	)
v.	)
ROBERT MATA, Respondent.	)

RESPONDENT'S SUPPLEMENTAL BRIEF PURSUANT TO RULE 22.6

This matter is pending on respondent's petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The petition was filed on April 20, 1983 and Mata's opposition thereto was filed on July 5, 1983. This supplemental brief is presented pursuant to Rule 22.6 in order to present intervening matter not available at the time the Opposition was filed.

Mata's opposition pointed out that this case was on the verge of mootness (Opposition, p. 5). Attached hereto is a certified copy of a minute order from Kern County Superior Court, dated August 1, 1983, which demonstrates that the case is indeed now moot. The order reflects that on August 1, 1983, Mr. Mata entered a plea of guilty to voluntary manslaughter (Cal. Pen. Code, § 192), was sentenced to six years and, since he has already served in excess of that time, was returned to Folsom Prison for release. That ends all proceedings on this case. Since no order this Court might ultimately issue either affirming or reversing the United States Court of Appeals can

/

/

/

/

have any further effect on the case, there is no case or controversy tendered by the petition. The petition for writ of certiorari should accordingly be denied.

DATED: August 31, 1983

Respectfully submitted,

QUIN DENVIR
State Public Defender

Ezra Hendon

EZRA HENDON
Deputy State Public Defender

EH:sms

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

ATE: August 1, 1983 COURT MET AT, 8:30 a.m. DEPARTMENT NO. 5

ESENT: HON: LEWIS E. KING, JUDGE L. L. McCurley, DEPUTY CLERK

B Gross, REPORTER S. Williams, BAILIFF

EOPLE OF THE STATE OF CALIFORNIA VS.

ROBERT MATA

COUNSEL FOR PEOPLE: Ben McGilliard (DEPUTY) DISTRICT ATTORNEY

COUNSEL FOR DEFENDANT: Ralph McKnight Jr

READINESS CONFERENCE

CHANGE OF PLEA

ACTION NO. 15771

FELONY MISDEMEANOR (IN 1 COUNTS) TO WIT:

Vio Sec 187 PC

OPLE REPRESENTED AS ABOVE, AND DEFENDANT is PRESENT WITH his COUNSEL.

DEFENDANT STATES TRUE NAME AS SHOWN ABOVE AS

DEFENDANT'S MOTION TO WITHDRAW PLEA OF NOT GUILTY AS TO COUNT(S) GRANTED.

THE COURT INFORMS DEFENDANT OF LEGAL RIGHTS THROUGH COUNSEL, THE COURT IS INFORMED DEFENDANT HAS BEEN INFORMED OF LEGAL RIGHTS AND WAIVES FURTHER INFORMING OF RIGHTS.

DEFENDANT IS ARRAIGNED. THROUGH COUNSEL, DEFENDANT WAIVES THE FORMAL READING OF INFORMATION.

WITH CONSENT OF DISTRICT ATTORNEY AND APPROVAL OF THE COURT, DEFENDANT ENTERS A PLEA OF GUILTY NOLO CONTENDERE TO

FELONY MISDEMEANOR IN 1

COUNTS TO WIT: lesser & included offense of Voluntary Manslaughter 192 PC

AS CHARGED

ON CONDITION THAT defendant receive credit for time served, to be returned to Folsom Prison for release.

COUNT(S) DISMISSED BY THE COURT UPON MOTION OF PEOPLE IN THE INTEREST OF JUSTICE

REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION, RETURNABLE AT 8:30 A.M. ON

IN DEPARTMENT NO.

DEFENDANT WAIVES STATUTORY TIME

DEFENDANT WAIVES PROBATION REFERRAL AND REQUESTS IMMEDIATE SENTENCE

MOTION OF COUNSEL DEFENDANT FOR CONTINUANCE OF READINESS TRIAL ON GROUNDS OF

GRANTED

DENIED

TRIAL DATE RESET FOR READINESS RESET FOR

EADINESS CONFERENCE DATE

RIAL DATE OF CONFIRMED VACATED

TINUED TO

ENCH WARRANT TO ISSUE

AIL IS SET AT $ REDUCED TO $

EXONERATED FORFEITED

EFENDANT REMANDED TO CUSTODY OF SHERIFF RELEASED ON OWN RECOGNIZANCE

RELEASED ON BAIL HERETOFORE POSTED RELEASED FROM CUSTODY

ER: Deft advised per 1016.5 PC
Counsel stipulates to factual basis of plea.
Deft sentenced to upper term of 4 yrs @ CDC.
CTS: 3,920 ds + 1960 = 5880 ds

CRIMINAL MINUTES
READINESS-CHANGE OF PLEA-CONTINUANCE

30 2170 MO 4D (R.10-79)

(4)

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.

ATTEST AUG 15 1983

GALE S. ENSTAD County Clerk and Clerk of the Superior Court of the State of California, in and for the County of Kern.

By M Richardson, DEPUTY

SUPERIOR COURT KERN COUNTY, CALIFORNIA

No. 82-1712

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

GEORGE SUMNER, Warden,	)
Petitioner,	)
v.	)
ROBERT MATA,	)
Respondent.	)

CERTIFICATE OF SERVICE BY MAIL

EZRA HENDON certifies as follows:

1. That he is an attorney admitted to practice law in the State of California, a member of the Bar of this Court, and the attorney for respondent.

2. That on August 31, 1983, he placed one copy of the Respondent's Supplemental Brief Pursuant to Rule 22.6 in the United States mails at San Francisco, California, in an envelope with postage prepaid thereon, to attorney for petitioner, as follows:

JOHN VAN DE KAMP
Attorney General
State of California
6000 State Building
San Francisco, CA 94102

3. That he certifies that all parties required to be served have been served.

DATED: August 31, 1983

Ezra Hendon

EZRA HENDON
Deputy State Public Defender